



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

ELP  
Docket No. 5072-99  
19 June 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 15 June 1981 for four years at age 17. The record reflects that you were advanced to AWAN (E-3) and served for more than 18 months without incident. However, during the four month period from December 1982 to April 1983 you received two nonjudicial punishments (NJP) for two instances of use of marijuana, possession of marijuana, possession of drug paraphernalia, and absence from your appointed place of duty.

On 6 April 1983 you were notified that you were being considered for discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense and drug abuse. You were advised of your procedural rights, declined to consult with counsel, and waived your right to present your case to an administrative discharge board (ADB). Thereafter, you were evaluated by a medical officer as being psychologically dependent on marijuana. The commanding officer then recommended discharge under other than honorable conditions by reason misconduct due to

commission of a serious offense and drug abuse. The Commander, Naval Military Personnel Command directed discharge under other than honorable conditions by reason of misconduct due to drug abuse. You were so discharged on 3 May 1983. Block 12c (Net Active Service This Period) of the DD Form 214 should read 01-10-19 vice 02-10-19.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and the fact that it has been more than 17 years since you were discharged. The Board noted your contention to the effect that the squadron chiefs made an example out of you and biased the rest of the command against you. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your record of two NJPs, both of which were for drug offenses. Your failure to learn from your first disciplinary experience demonstrated a willful disregard toward the Navy's zero tolerance drug policy. The Board noted the aggravating factor that you waived an ADB, the one opportunity you had to show why you should be retained or discharged under honorable conditions. Your contention is neither supported by the evidence of record nor by any evidence submitted in support of your application. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You are advised that the erroneous net service shown in block 12c on your DD Form 214 is an administrative correction which does not require action by the Board. You may submit a request for correction to your DD Form 214 to the custodian of your record, the National Personnel Records Center, Military Personnel Records, 9700 Page Boulevard, St. Louis, MO, 63132.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director